

REMARKS

In the final Office Action, the Examiner rejected claims 1-3, 5-7, 9, 10, 13, 14, 16, and 21 under 35 U.S.C. § 102(e) as anticipated by WACLAWSKY (U.S. Patent No. 6,539,026); and rejected claims 4, 8, 11, 12, 15, 17-20, and 22-25 under 35 U.S.C. § 103(a) as unpatentable over WACLAWSKY in view MCCLOGHRIE et al. (U.S. Patent No. 6,286,052). Applicants respectfully traverse. Claims 1-25 remain pending.

Claims 1-3, 5-7, 9, 10, 13, 14, 16, and 21 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by WACLAWSKY. Applicants respectfully traverse this rejection.

Independent claim 1 recites a method that ensures policy coherence among a group of peer devices. The method includes detecting an addition of a new policy version, generating a message containing the newly added policy version in response to detecting the addition of the new policy version, and transferring the message to the peer devices.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. WACLAWSKY does not disclose or suggest the combination of features recited in Applicants' claim 1.

For example, WACLAWSKY does not disclose or suggest generating a message containing the newly added policy version in response to detecting the addition of the new policy version. The Examiner relied on col. 19, line 58, to col. 20, line 29, of WACLAWSKY for allegedly disclosing this feature (final Office Action, pg. 2). Applicants submit that this section of WACLAWSKY does not disclose or suggest the above feature of claim 1.

At col. 19, line 58, to col. 20, line 29, WACLAWSKY discloses:

Step 301 provides the ability to add or remove storage locations 259 from the series of storage locations 259-0 through 259-N each time the step is performed. As such, the invention allows the delay manager 201 to reconfigure itself if

changes appear in the network policy 207. That is, the invention allows changes to be made at any time in the network policy 207, such as the addition or removal of delay categories and/or data attributes. In response, a delay manager configured with the invention can periodically re-execute steps 300 through 302, as illustrated by the periodic re-execution line 310. Alternatively, re-execution of steps 301 through 303 can be triggered by the arrival or manual loading of new network policy information 207 into the data communications device 200. In this manner, the policy controller 250 in the delay manager(s) 201 in the data communications device(s) on network 100 periodically obtain the latest version of the network policy 207 from the network policy server 150 and can reconfigure the delay scheduler 251 and delay controller 252 via control commands 208 as previously described. This allows each data communications device 200 in an entire network to adapt to changes in a distributed network policy 207 with respect to the delay of data 205. Thus if new data types or data having new attributes becomes present on a network, the data communications devices 200 that use this invention can adapt to the new delay requirements without manually updating hardware or software within the devices 200.

This aspect of the invention thus ensures that a networked data communications device 200 is able to update itself with the latest network policy 207. Prior art network policy updates are typically performed by sending the network policy to each device by an affirmative act on the part of the network policy server 150. This invention eliminates the need to do this and places the burden for obtaining network policy updates on the data communication devices 200 themselves. As such, if there are hundreds or thousands of data communications devices 200 in the network, the load caused by network policy updates is distributed across each device.

This section of WACLAWSKY specifically discloses that policy controllers 250 in network devices 200 periodically obtain the latest version of network policy 207 from network policy server 150 (col. 20, lines 4-10). WACLAWSKY does not disclose or suggest, however, that policy controllers 250 obtain the latest version of network policy in response to detecting the addition of a new policy version, as required by claim 1. By stark contrast, WACLAWSKY specifically discloses that the obtaining of the latest version of network policy 207 occurs periodically. Moreover, this section of WACLAWSKY does not disclose or suggest that network policy server 150 generates a message containing a newly added policy version in response to detecting the addition of the new policy version, as required by claim 1. The Examiner has not pointed to any section of WACLAWSKY that discloses or suggests generating

a message containing the newly added policy version in response to detecting the addition of the new policy version, as required by claim 1.

Since WACLAWSKY does not disclose features of claim 1, the rejection of claim 1 under 35 U.S.C. § 102(e) as anticipated by WACLAWSKY is improper.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by WACLAWSKY.

Claims 2 and 3 depend from claim 1. Therefore, claims 2 and 3 are not anticipated by WACLAWSKY for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by WACLAWSKY.

For example, claim 3 recites determining whether a policy version has become active, generating a second message containing an indication of the newly active policy version, and sending the second message to the peer devices. The Examiner relied on col. 19, line 58, to col. 20, line 29, of WACLAWSKY for allegedly disclosing these features (final Office Action, pg. 3). Applicants disagree.

Col. 19, line 58, to col. 20, line 29, of WACLAWSKY is reproduced above. This section of WACLAWSKY discloses the ability to reconfigure delay manager 201 of a network device 200 based on a network policy. This section of WACLAWSKY in no way discloses or suggests, however, determining whether a policy version has become active, generating a second message containing an indication of the newly active policy version, and sending the second message to the peer devices, as required by claim 3.

Further with respect to claim 3, the Examiner alleged that "Waclawsky teaches the data communication device periodically determines whether another latest version (at time t1 which is later than time t) of network policy in the network policy server has become newly active. The network policy server generates another message that contains the another latest version of

the network policy; and sending the another message to the data communication device" and pointed to col. 19, line 58, to col. 20, line 29, of WACLAWSKY for support (final Office Action, pg. 5). Applicants submit that the Examiner has mischaracterized the disclosure of WACLAWSKY.

Contrary to the Examiner's allegation, WACLAWSKY does not disclose or suggest that the data communication device periodically determines whether another latest version of a network policy has become newly active. Instead, WACLAWSKY discloses that the data communication devices periodically obtain the latest version of network policy 207 (col. 20, lines 4-10). Contrary to the Examiner's allegation, WACLAWSKY does not disclose or suggest that the data communication devices periodically obtaining the latest version of network policy 207 involves determining whether a policy version has become newly active, generating a second message containing an indication of the newly active policy version, or sending the second message to peer devices, as required by claim 3.

For at least these additional reasons, Applicants submit that claim 3 is not anticipated by WACLAWSKY.

Independent claims 5, 6, and 9 recite features similar to features recited in claim 1. Therefore, Applicants submit that claims 5, 6, and 9 are not anticipated by WACLAWSKY for reasons similar to reasons given above with respect to claim 1.

Claims 7 and 10 depend from claims 6 and 9, respectively. Therefore, Applicants submit that these claims are not anticipated by WACLAWSKY for at least the reasons given above with respect to claims 6 and 9. Moreover, claims 7 and 10 recite features similar to those given above with respect to claim 3. Therefore, Applicants submit that claims 7 and 10 are also not anticipated by WACLAWSKY for reasons similar to reasons given above with respect to claim 3.

Independent claim 13 is directed to a method for distributing policies in a network having at least one anonymous policy server and at least one anonymous peer device. The method includes requesting a policy from the anonymous policy server, determining, via the anonymous policy server, whether an active version of the policy exists, and transferring, when an active version of the policy is determined to exist, the active policy version from the anonymous policy server to the anonymous peer device. Applicants submit that WACLAWSKY does not disclose or suggest this combination of features.

For example, WACLAWSKY does not disclose or suggest requesting a policy from an anonymous policy server. WACLAWSKY does not disclose or suggest that policy server 150 is an anonymous policy server, as required by claim 13. With respect to this feature, the Examiner alleged that "Waclawsky did not discuss device authentication prior to obtain the updates. Therefore, the network policy server and the devices are anonymous" (final Office Action, pg. 5). Applicants disagree.

The mere fact that WACLAWSKY does not disclose device authentication in no way discloses or suggests that network policy server 150 and network devices 200 are anonymous. In fact, WACLAWSKY specifically discloses that network devices 200 are access servers, routers, switches, hubs, bridges, gateways, proxy servers, concentrators, repeaters, and similar data transfer devices (col. 7, lines 2-6). Such network devices are typically not anonymous since anonymity of these devices could hinder the transfer of data through communications network 100. The Examiner has not pointed to any section of WACLAWSKY that supports the allegation that network policy server 150 and network devices 200 are anonymous.

For at least the foregoing reasons, Applicants submit that claim 13 is not anticipated by WACLAWSKY.

Claims 14 and 16 depend from claim 13. Therefore, these claims are not anticipated by WACLAWSKY for at least the reasons given above with respect to claim 13.

Independent claim 21 recites receiving one or more requests, where each request indicates a policy of interest to the peer device, determining whether an active version of each of the policies exists, and transferring, when an active version of at least one of the policies exists, the at least one policy from the policy server to the peer device. Applicants submit that WACLAWSKY does not disclose or suggest this combination of features.

For example, WACLAWSKY does not disclose or suggest determining whether an active version of each of the policies exists and transferring, when an active version of at least one of the policies exists, the at least one policy from the policy server to the peer device. To the contrary, WACLAWSKY discloses that policy controller 250 in network devices 200 periodically obtains the latest version of network policy 207 from network policy server 150 (col. 20, lines 4-10).

The Examiner continues to ignore the combination of features recited in Applicants' claim 21. Therefore, the Examiner has not established a *prima facie* case of anticipation with respect to claim 21. If this rejection is maintained, Applicants request that the Examiner specifically address the combination of features recited in claim 21.

For at least the foregoing reasons, Applicants submit that claim 21 is not anticipated by WACLAWSKY.

Claims 4, 8, 11, 12, 15, 17-20, and 22-25 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over WACLAWSKY in view of MCCLOGHRIE et al. Applicants respectfully traverse.

Claim 4 depends indirectly from claim 1. The disclosure of MCCLOGHRIE et al. does not remedy the deficiencies in the disclosure of WACLAWSKY set forth above with respect to

claim 1. Therefore, claim 4 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over WACLAWSKY and MCCLOGHRIE et al. for reasons of its own.

Claim 4 recites storing, in response to a policy version becoming newly active, an identifier of the newly active policy in an active policy database, where the active policy database stores a list of active policy identifiers. The Examiner admitted that WACLAWSKY does not disclose these features and relied on col. 14, lines 25-44, of MCCLOGHRIE et al. for allegedly disclosing the features of claim 4 (final Office Action, pg. 4). Applicants submit that MCCLOGHRIE et al. does not disclose the features of claim 4.

Col. 14, lines 25-44, of MCCLOGHRIE et al. discloses:

The first policy binding 552a, for example, may contain an encoded copy of the source port identified by program 224 with the SetSourcePort() call 414a and stored at the respective traffic flow data structure 234. More specifically, message generator 230 loads policy identifier field 562a with the type or instance of the policy element (e.g., "source port"). In the preferred embodiment, this name is a Policy Identifier (PID) as specified in the Internet Engineering Task Force (IETF) draft document COPS Usage for Differentiated Services submitted by the Network Working Group, dated December 1998, and incorporated herein by reference in its entirety. A PID specifies a particular policy class (e.g., a type of policy data item) or policy instance (e.g., a particular instance of a given policy class) in a hierarchical arrangement. The Policy ID type field 560a contains a predefined value reflecting that field 562a contains information in PID format. Component 226 preferably includes a Policy Information Base (PIB) for use in deriving the particular policy identifiers, as described in COPS Usage for Differentiated Services.

This section of MCCLOGHRIE et al. discloses placing a Policy Identifier (PID) in a message.

This section of MCCLOGHRIE et al. does not disclose or suggest, however, the storing of a PID of a newly active policy in an active policy database, in response to a policy version becoming newly active, where the active policy database stores a list of active policy identifiers, as required by claim 4. If this rejection is maintained, Applicants request that the Examiner

specifically point out where in this section of MCCLOGHRIE et al. this feature of claim 4 is disclosed.

Even assuming, for the sake of argument, that the disclosure of MCCLOGHRIE et al. could reasonably be construed to disclose the features of claim 4, Applicants submit that one skilled in the art would not have been motivated to combine the teachings of WACLAWSKY and MCCLOGHRIE et al. in the manner suggested by the Examiner, absent impermissible hindsight. With respect to motivation, the Examiner alleged that "[i]t would have been obvious ... to combine the teachings of Waclawsky and McCloghrie to stores a list of active policy identifiers in an active policy database because it would allow a device to be configured for a particular services using active policies stored in the active policy database" (final Office Action, pp. 4 and 6). Applicants disagree.

WACLAWSKY does not disclose an active policy database. The Examiner's motivation falls short of logically explaining why one would seek to incorporate an active policy database into the WACLAWSKY system. The Examiner's motivation is merely conclusory and insufficient for establishing a *prima facie* case of obviousness.

For at least these additional reasons, Applicants submit that claim 4 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination.

Claim 8 depends from claim 6. The disclosure of MCCLOGHRIE et al. does not remedy the deficiencies in the disclosure of WACLAWSKY set forth above with respect to claim 6. Therefore, this claim is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 6. Moreover, claim 8 recites features similar to those given above with respect to claim 4. Therefore, claim 8 is further patentable over WACLAWSKY and MCCLOGHRIE et al.,

whether taken alone or in any reasonable combination, for reasons similar to reasons given above with respect to claim 4.

Claims 11 and 12 depend from claim 9. The disclosure of MCCLOGHRIE et al. does not remedy the deficiencies in the disclosure of WACLAWSKY set forth above with respect to claim 9. Therefore, these claims are patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9. Moreover, claims 11 and 12 recite features similar to features recited in claim 4. Therefore, claims 11 and 12 are further patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination, for reasons similar to reasons given above with respect to claim 4.

Claim 15 depends from claim 13. The disclosure of MCCLOGHRIE et al. does not remedy the deficiencies in the disclosure of WACLAWSKY set forth above with respect to claim 13. Therefore, this claim is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 13.

Independent claim 17 recites a network that includes at least one anonymous peer device and at least one anonymous policy server. The at least one anonymous peer device is configured to request a policy from at least one anonymous policy server, determine whether a received policy is of a desired policy class, and implement the received policy when the received policy is an active policy of the desired policy class. The at least one anonymous policy server is configured to receive the request from the at least one anonymous peer device, determine whether any version of the policy requested exists, and transfer all versions of the policy to the peer device, indicating the active version, if any version is determined to exist. WACLAWSKY and MCCLOGHRIE et al. do not disclose or suggest this combination of features.

For example, WACLAWSKY and MCCLOGHRIE et al. do not disclose or suggest at least one anonymous peer device and at least one anonymous policy server. As set forth above, WACLAWSKY does not disclose or suggest that policy server 150 is an anonymous policy server. Moreover, WACLAWSKY does not disclose or suggest that network devices 200 are anonymous peer devices. MCCLOGHRIE et al. discloses a policy server 216, but does not disclose or suggest that policy server 216 is an anonymous policy server. Moreover, MCCLOGHRIE et al. does not disclose or suggest at least one anonymous peer device.

As discussed above, the Examiner's allegation that since WACLAWSKY does not discuss device authentication, then policy server 150 and network devices 200 must be anonymous lacks merit.

For at least the foregoing reasons, Applicants submit that claim 17 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination.

Claims 18-20 depend from claim 17. Therefore, these claims are patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 17.

Independent claim 22 recites a computer-readable medium having a database structure that includes a policy identification field that stores an identifier of a policy, a version field that stores an identifier of a policy version, and a policy content field that stores a content of a policy. WACLAWSKY and MCCLOGHRIE et al. do not disclose this combination of features. The Examiner continues to ignore the features recited in claim 22. Therefore, the Examiner has not established a *prima facie* case of obviousness with respect to claim 22. If this rejection is maintained, Applicants request that the Examiner specifically address the features recited in claim 22.

For at least the foregoing reasons, Applicants submit that claim 22 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination.

Claim 23 recites a computer-readable medium having a database structure that includes a policy identification field that stores an identifier of a policy, and a version field that stores an identifier of an active policy version. WACLAWSKY and MCCLOGHRIE et al. do not disclose this combination of features. The Examiner continues to ignore the features recited in claim 23. Therefore, the Examiner has not established a *prima facie* case of obviousness with respect to claim 23. If this rejection is maintained, Applicants request that the Examiner specifically address the features recited in claim 23.

For at least the foregoing reasons, Applicants submit that claim 23 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination.

Claim 24 recites receiving a message, the message containing an identifier and one or more versions of a policy, determining whether the identifier is in a list of policy identifiers, discarding the message when the identifier is absent from the list, and implementing an active version of the one or more policies when the identifier is present in the list. WACLAWSKY and MCCLOGHRIE et al. do not disclose this combination of features. The Examiner continues to ignore the features recited in claim 24. Therefore, the Examiner has not established a *prima facie* case of obviousness with respect to claim 24. If this rejection is maintained, Applicants request that the Examiner specifically address the features recited in claim 24.

For at least the foregoing reasons, Applicants submit that claim 24 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination.

Claim 25 recites a memory configured to store instructions and an active policy database, where the active policy database contains a list of policy identifiers; and a processor configured to execute the instructions to receive a message, where the message contains an identifier and one or more versions of a policy, compare the identifier to the list of policy identifiers, discard the message when the identifier does not match a policy identifier in the list, and implement an active version of the policy when the identifier matches a policy identifier in the list.

WACLAWSKY and MCCLOGHRIE et al. do not disclose this combination of features. The Examiner continues to ignore the features recited in claim 25. Therefore, the Examiner has not established a *prima facie* case of obviousness with respect to claim 25. If this rejection is maintained, Applicants request that the Examiner specifically address the features recited in claim 25.

For at least the foregoing reasons, Applicants submit that claim 25 is patentable over WACLAWSKY and MCCLOGHRIE et al., whether taken alone or in any reasonable combination.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Application No.: 09/658207

Docket No.: 00-4007 (BBNT-P01-109)

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-109 from which the undersigned is authorized to draw.

Dated: July 16, 2004

Respectfully submitted,

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